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THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

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E.W. and L.W.,  
Plaintiffs,

vs.

HEALTH NET LIFE INSURANCE CO. and  
HEALTH NET OF ARIZONA, INC.,  
Defendants.

**ORDER DENYING [79] MOTION FOR  
ATTORNEYS' FEES AND DENYING  
[80] MOTION FOR EXTENSION OF  
TIME**

Civil No. 2:19-cv-499-DBB-DBP

Judge David Barlow

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Before the court are the Plaintiffs' Motion for Attorneys' Fees<sup>1</sup> and the parties' Stipulated Motion for Extension of Time.<sup>2</sup>

On December 6, 2023, Plaintiffs moved for attorney fees for litigation at the district court and on appeal.<sup>3</sup> Defendants filed their Response on December 19, 2023.<sup>4</sup> Plaintiffs also moved for attorney fees in the Tenth Circuit Court of Appeals on December 5, 2023.<sup>5</sup> On December 19, 2023, the Tenth Circuit denied Plaintiffs' motion for attorney's fees without prejudice because Plaintiffs have not yet prevailed on their claim under the Mental Health Parity and Addiction Equity Act of 2008.<sup>6</sup>

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<sup>1</sup> ECF No. 79.

<sup>2</sup> ECF No. 80.

<sup>3</sup> ECF No. 79.

<sup>4</sup> ECF No. 82.

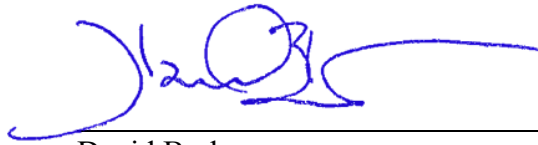
<sup>5</sup> See *W. v. Health Net Life Ins. Co.*, No. 21-4110, Doc. 11050063 (10th Cir. Filed Dec. 5, 2023).

<sup>6</sup> See *W. v. Health Net Life Ins. Co.*, No. 21-4110, Doc. 11053569 (10th Cir. Filed Dec. 19, 2023).

The court adopts the Tenth Circuit's reasoning and DENIES WITHOUT PREJUDICE Plaintiffs' Motion for Attorneys' Fees.<sup>7</sup> Accordingly, the court DENIES AS MOOT the parties' Stipulated Motion to Extend Deadline.<sup>8</sup>

Signed January 24, 2024.

BY THE COURT:



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David Barlow  
United States District Court Judge

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<sup>7</sup> ECF No. 79.

<sup>8</sup> ECF No. 80.